

Use of Force Investigation

On October 23<sup>rd</sup>, 2014 Deputy Zachary Whitfield and his supervisor, Sergeant Anthony Norris, were working their assigned shifts as uniformed patrol officers. Around noon they responded to 16893 NW 14<sup>th</sup> Street in Blountstown, Florida in order to apprehend Lillie Mae Middlebrooks for the offense of Attempted Arson. While speaking with Middlebrooks she stated "This is police brutality, I'm not going to jail for nothing." This was confirmed later by Middlebrooks' sister, Ms. Alma G. Pouncy, who was interviewed during the use of force investigation. Pouncy stated that the two officers were simply just talking to Middlebrooks and she started yelling "Police brutality."

After Middlebrooks stated that she wasn't going to jail she immediately got up and attempted to flee. Deputy Whitfield then reached to grab her to take her into custody. She then burnt Whitfield on the right cheek with a lit cigarette. Whitfield was forced to let go of her and she continued to resist arrest by running away. Sergeant Norris then deployed his taser striking Middlebrooks with both probes. This proved to be ineffective due to the fact that after she was struck with the probes she was still running and not affected by the taser. Deputy Whitfield also deployed his taser and struck Middlebrooks and she went to the ground. The two officers were then able to secure her in handcuffs and did not use any other force on Middlebrooks. She was subsequently transported to the jail where EMS was awaiting their arrival in order to check the vitals on Middlebrooks. EMT Jacob Shuler and Paramedic Trey Peacock did check vital signs with no abnormalities noted. She refused any further help. Sergeant Norris photographed Middlebrooks where the probes entered her skin, as well as the burn on Whitfield's face. The probes were collected and placed in evidence by Sgt. Norris. I was then assigned to this Use of Force investigation.

Upon review of the actions and forced used by both officers, coupled with the taser video and statements from Alma Pouncy, a witness to their use of force, I conclude that the amount of forced used was an appropriate response to the resistance they encountered. This use of force was justified.

Investigator, Sgt. John W. Scheetz

to gain ground on the vehicle, in order to obtain the tag information. The vehicle appeared to be traveling faster in an attempt to get farther away from me. I then activated my emergency lights to conduct a traffic stop. I notified dispatch that I was attempting a traffic stop. The vehicle failed to stop and made a right hand turn onto NW Willard Smith Rd. At this time, I determined the vehicle was not going to stop and I activated my sirens. I then notified Dispatch that I was in

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pursuit. After giving Dispatch the tag information, I was advised that the registration was expired. The vehicle continued on and made a right hand turn onto Doug Price Rd. I then advised Dispatch and Sgt. Crawford our direction of travel. Sgt. Crawford advised that he was en route to my location. Still pursuing, myself and the vehicle began to near SR 71 North. At this time, I observed Sgt. Crawford turn onto Doug Price Rd from SR 71 North. Sgt. Crawford with lights and sirens activated, stopped on the north side of the roadway. I then observed the vehicle steer into Sgt. Crawford's direction, causing Sgt. Crawford to take evasive action by moving into the ditch in order to prevent from a head on collision. The vehicle continued on until reaching the intersection of SR 71 North and Doug Price Rd, making a left hand turn onto SR 71, traveling North bound. Updating Dispatch on direction of travel, I continued pursuit. The vehicle then attempted to go around a semi and trailer utilizing the East side shoulder of SR 71. The vehicle appeared to lose control in the grass shoulder but regained control back onto SR 71. The vehicle continued to pass other drivers at a high rate of speed in excess of 100 mph, causing several vehicles to run off the roadway in both directions of travel. I then observed the vehicle make a right hand turn onto Hannah Tower Rd, before the city limits of Altha. The vehicle then made a left hand turn onto Fuqua Circle traveling North bound. Altha Police Chief Baggett joined pursuit on Fuqua Circle. The vehicle then came to CR 274 and made a left hand turn traveling West bound and crossed SR 71 North onto Broad St. The vehicle continued until reaching 5th St, making a left hand turn and then a right hand turn onto CR 274, traveling West bound. At this time, myself, Sgt. Crawford and Chief Baggett continued pursuit. I then lost visual on the curves of CR 274 at the Willis bridge area until reaching Mark Burke Rd, where I advised dispatch and other units that the vehicle made a left hand turn onto Mark Burke Rd. Myself and Sgt. Crawford continued on to reach Laramore Rd where Mark Burke Rd runs into, to set up a perimeter. Chief Baggett advised that he was taking Mark Burke Rd. Sheriff Kimbrel then advised that he would be taking Hamilton Springs Rd to block all exit points. Once myself and Sgt. Crawford turned onto Laramore Rd, I observed the vehicle traveling in our direction. Myself and Sgt. Crawford then attempted to set up a road block. The vehicle then stopped approximately 100 yards from our location, backed up and turned around and began traveling east bound on Laramore Rd. I then advised all units the direction of travel. At this time, Sgt. Crawford was directly behind the vehicle and I was second in pursuit. Chief Baggett attempted to set up a road block at the intersection of Mark Burke Rd and Laramore Rd. The vehicle failed to slow down causing Chief Baggett to take evasive action and back out of the roadway to prevent a collision. Sheriff Kimbrel then advised that he was at the intersection of Hamilton Springs Rd and Laramore Rd. I advised Sheriff Kimbrel that the vehicle was traveling in his direction and that he should gain visual at any moment. Myself and Sgt. Crawford lost visual once the vehicle crested a hill before the intersection of Hamilton Springs Rd and Laramore Rd, where Sheriff Kimbrel was. Once myself and Sgt. Crawford came to the intersection, Sheriff Kimbrel and Lt. Ramos pointed the direction of travel to be southbound onto Hamilton Springs Rd. At this time, Lt. Ramos advised on the radio, shots fired. Myself and Sgt. Crawford continued pursuit down Hamilton Springs Rd to the dead end where the vehicle crashed into a fence post and came to its final resting point. Myself and Sgt. Crawford then cleared the vehicle. At this time, the vehicle was unoccupied and it was determined the suspect was on foot. I observed the driver seat, steering wheel and driver door panel to contain blood. Dispatch contacted K9 to be in route. The scene was then secured by Sgt. Crawford. At this time, Sheriff Kimbrel and Lt. Ramos arrived at the scene of the accident, both advised me that the suspect used his vehicle in an attempt to run them over. Once Calhoun County Corrections K9 arrived on scene, a track was picked up by the K9. The track led into the wooded area of Ten Mile Creek, traveling west bound. A blood trail was visible during the whole track. After tracking several hundred yards, the suspect was located standing in the creek. The suspect was then ordered to come out with hands up. Once the suspect was helped from the creek, he was taken into custody. Liberty County Sheriff White then transported the suspect to EMS. EMS then transported the suspect to the Landing Zone for Life flight. The suspect was identified as Rickie Kincer. Kincer was transported by Life Flight to Bay medical. FDLE later arrived on scene and took over the crime scene.

Based on the above information and facts, I, Deputy Beck find probable cause to charge Rickie Kincer in violation of the following Florida State Statutes:

- 1) F.S.S. 784.07 (2)(C) - Aggravated Assault on a Law Enforcement Officer
- 2) F.S.S. 784.07 (2)(C) - Aggravated Assault on a Law Enforcement Officer
- 3) F.S.S. 784.07 (2)(C) - Aggravated Assault on a Law Enforcement Officer
- 4) F.S.S. 784.07 (2)(C) - Aggravated Assault on a Law Enforcement Officer
- 5) F.S.S. 322.34 (C) - Driving while license suspended or revoked HABITUAL
- 6) F.S.S. 316.1935 (3)(A) - Fleeing and Eluding a Law Enforcement Officer with sirens and lights activated

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## **Calhoun County Sheriff's Office** ***Calhoun County Jail***



### **Use of Force Investigation**

On August 10, 2015, Corrections Officer Ricky Grantham was working his assigned shift as a uniformed correctional officer at the Calhoun County Jail. At approximately 1900 hours Officer Grantham was attempting to put inmate Brinson, John Henry into the holding cell prior to being booked. Officer Grantham stated that inmate Brinson appeared to be very intoxicated and was not following any orders given to him by staff. When Officer Grantham ordered inmate Brinson to get into the holding cell and calm down inmate Brinson responded by turning to his side and reaching into the pocket of his shorts while stating to Officer Grantham, "I got something in my pocket you mother fucker and it will fuck you up." Officer Grantham then immediately administered chemical agent oleoresin capsicum to the upper torso of inmate Brinson in an effort to prevent him from retrieving an unknown object from his pocket and causing bodily harm to the officers present. Upon the application of this chemical agent, inmate Brinson became compliant with all orders given by staff. It should be noted that inmate Brinson was handcuffed in front of his body at the time of this incident. However, despite the fact that he was handcuffed in front, he was able to reach into his pocket in an effort to retrieve something that may have been inside. Video evidence confirms these actions. Inmate Brinson was then allowed to shower in cold water with no soap as part of the decontamination process. He was issued a set of clean jail clothing and placed into an uncontaminated cell. EMS did not conduct an examination of inmate Brinson because Officer Grantham did not observe any respiratory distress. Officer Grantham completed an incident report and submitted it to the Jail Administrator Lieutenant Trevor Ramos. The video from the jail camera system of this incident was reviewed. After reviewing the actions of both inmate Brinson and Officer Grantham and reviewing the jail video and report from Officer Grantham, I concluded that the amount of force used was an appropriate response to the resistance encountered. In this instance, the use of force was justified and in accordance with policy and procedure of the Calhoun County Sheriff's Office.

Jail Administrator, Lt. Trevor Ramos